

**CAMPGROUND REGULATIONS WORKGROUP
PUBLIC HEALTH CODE PART 12501 TO 12516
PROPOSED REVISIONS**

**September 21, 2015
Working Copy**

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PUBLIC HEALTH CODE (EXCERPTS)
Act 368 of 1978

PART 125. CAMPGROUNDS (EXCERPTS)

333.12501 Definitions; principles of construction.

Sec. 12501. (1) As used in sections 12501 to 12516:

(a) "Campground" means a parcel or tract of land under the control of a person in which permanent or temporary sites are offered for the use of one or more individuals~~the public or members of an organization~~, either free of charge or for a fee, for the establishment of temporary living quarters for 5 or more recreational units for recreational, camping, travel, or seasonal use.

(i) A permanent campground is a campground at which the sites are established in the same location year after year.

(ii) A temporary campground is a campground at which the sites are established for a temporary or short-term basis.

(iii) Temporary sites may be located in a permanent campground.

(iv) Campground does not include a resort consisting entirely of cabins or cottages that are not designed to be moved or relocated.

(v) Campground does not include a mobile home park or a seasonal mobile home park licensed under the mobile home commission act, 1987 PA 96, MCL 125.2301 to 125.2349.

(vi) A campground owner or operator shall not permit a person to establish permanent residency on a campground site.

(b) "Department" means the department of environmental quality.

(c) "Local health department" means that term as defined under section 1105.

(d) "Mobile home" means mobile home as defined in section 2302 of the mobile home commission act, 1987 PA 96, MCL 125.2302, or manufactured home as defined in section 5402, title 42 CFR, chapter 70 of the united states department of housing and urban development, a structure, transportable in 1 or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure.

(i) After the effective date of this section, a mobile home shall not be considered a recreational unit as defined in this section and shall not be placed on a licensed campground site.

(ii) After the effective date of this section, once a mobile home is removed from a campground site, another mobile home shall not be placed on that site.

(e) "Person" means a person as defined in section 1106 or a governmental entity.

(f) "Recreational unit" means a tent used for sleeping, movable cabin structure, or vehicular-type structure, primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle which is self-powered. A tent means a collapsible shelter of canvas or other fabric stretched and sustained by poles and used for camping outdoors and includes tent-like structures such as a tepee or yurt.

Recreational unit includes the following:

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- (i) A travel trailer, which is a vehicular portable structure, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a vehicle, primarily designed and constructed to provide temporary living quarters for recreational, camping, or travel use.
- (ii) A camping trailer, which is a vehicular portable structure mounted on wheels and constructed with collapsible partial sidewalls of fabric, plastic, or other pliable material which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.
- (iii) A motor home, which is a vehicular structure built on a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for recreational, camping, or travel use.
- (iv) A truck camper, which is a portable structure designed to be loaded onto and unloaded from the bed of a pickup, or affixed to, the bed or chassis of a truck, constructed to provide temporary living quarters for recreational, camping, or travel use. ~~Truck campers are of 2 basic types:~~
- ~~—(A) A slide-in camper, which is a portable structure designed to be loaded onto and unloaded from the bed of a pickup truck, constructed to provide temporary living quarters for recreational, camping, or travel use.~~
- ~~—(B) A chassis-mount camper, which is a portable structure designed to be affixed to a truck chassis, and constructed to provide temporary living quarters for recreational, camping, or travel use.~~
- (v) A fifth-wheel trailer, which is a vehicular portable structure, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a vehicle that contains a towing mechanism that is mounted above or forward of the tow-vehicles rear axle, primarily designed and constructed to provide temporary living quarters for recreational, camping, or travel use.
- (vi) A park trailer, which is a recreational unit that is built on a single chassis mounted on wheels that has a gross heated trailer area of not more than 400 square feet in the set-up mode and said 400 square feet is calculated only on the enclosed heated area, and that is certified by the manufacturer as complying with American national standards institute standard A119.5. A park trailer is also known as a park model.
- (vii) A movable cabin, which is a hard-sided portable structure less than 400 square feet in area that is designed to facilitate relocation from time to time, and is designed to provide temporary living quarters for recreational, camping, or travel use. A single sectional mobile home used only to provide temporary living quarters for recreational, camping, or travel use. Recreational unit does not include a mobile home used as a permanent dwelling, residence, or living quarters.
- (g) "Site" means the camp space or land area designated for each recreational unit in a campground.
- (h) "Structure" means structure as defined in the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531.
- (i) "Temporary living quarters" means occupying or using a recreational unit on a licensed campground site for up to a full-time basis from April 1 through November 30 and for not more than 15 consecutive days in any 30-day period from December 1 through March 31.
- (2) In addition, article 1 contains general definitions and principles of construction applicable to all articles in this code.

Comment [PDS1]: Revision to Park Model definition discussed 9-21-15. -----OR

Comment [PDS2]: Originally proposed 9-21-15 revision to the Park Model definition. A SPECIFIC VERSION ON THS STD IS NEEDED.

Comment [PDS3]: COMMENT: If we simply adopt ANSI A119.5, and this is followed by RVIA, and HUD will be adopting RVIA in the near future, why do we need to clarify this point. If ANSI A119.5 has this in their definition, why do we need to include it here?

History: 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 1982, Act 525, Eff. Mar. 30, 1983;-- Am. 2004, Act 408, Imd. Eff. Nov. 29, 2004

333.12505 Construction permit for campground; application; contents; plans examination and approval.

Sec. 12505. (1) A person shall not begin to construct, alter, or engage in the development of a permanent or temporary campground without first obtaining a construction permit from the department. Applications for a construction permit shall be submitted to the department along with the fee as prescribed in section 12506a. The application shall contain the following:

- (a) A description of the proposed project.
- (b) The name and address of the applicant.
- (c) The location of the proposed project.

(d) Plans and specifications for the proposed project.

(2) The department shall examine the plans and specifications and determine whether the proposed project is sufficient and adequate to protect the public health and safety. If the plans and specifications are approved, the department shall issue a written permit for construction. If the plans and specifications are not approved, the department shall notify the applicant in writing of the deficiencies. The applicant may have the plans and specifications amended to remedy the deficiencies and resubmit the documents, without additional fee, for further consideration.

(3) A construction permit shall expire 3 years after its date of issuance unless the department grants an extension. The permittee may request an extension to complete permitted construction. The department may grant a written extension if the campground as-built and the remaining permitted construction meets public health and safety standards in effect on the date the extension is requested and the campground has paid all applicable license fees as prescribed in section 12506a.

(4) The campground owner or their representative shall submit documentation of local zoning approval prior to the department issuing a construction permit for a new campground or for modifications that would require local zoning approval.

(5) The campground owner shall construct or modify the campground according to the construction permit. The campground owner may not make changes after the department issues the construction permit unless written approval of a change is granted by the department. Compliance with the construction permit does not authorize the owner to create or maintain a nuisance or a hazard to health or safety.

(6) If a person engages in the construction or development of a campground without first obtaining a construction permit from the department, it is a violation of this part and the department or designated local health department may take the following actions:

(a) Issue a written stop-work order in conjunction with a state or local building authority. If a stop-work order is issued, the construction shall stop, except for work that is necessary to correct an unsafe condition.

(b) In addition to the construction permit fee prescribed in section 12506a, the department may assess a penalty fee up to \$2,500.00.

History: 1978, Act 368, Eff. Sept. 30, 1978;-- Am. 2004, Act 408, Imd. Eff. Nov. 29, 2004

Comment [PDS4]: Enforcement/Fine provision. Check procedure and add legal basis

333.12506 Campground license required; application; contents; exemption; expiration.

Sec. 12506. (1) A person shall not operate a permanent or temporary campground without a campground license issued by the department, its agent or representative, or a representative of a designated local health department. An application for a campground license shall be submitted to the department, its agent or representative, or a representative of a designated local health department along with the license fee as prescribed in section 12506a.

(2) The application shall contain the following:

(a) The name and address of the applicant.

(b) The location of the campground.

(c) Information regarding physical facilities.

(3) The ~~campground~~ license for a permanent campground shall expire on December 31 of ~~every third~~ each year. The campground owner or operator shall pay, if the annual renewal fee is paid or as stipulated on the license, whichever is sooner as prescribed in section 12506a prior to the expiration date.

(4) The department shall assess a late annual renewal license fee as prescribed in section 12506a on campground licensing fees received late or not paid by the December 31 due date. A payment shall be postmarked by December 31 of each year to avoid late fees prescribed in section 12506a. Failure by a person to timely pay a fee imposed by this section is a violation of this part.

(5) If a person who owns or operates a campground fails to pay fees required under this section in full, including assessed late fees, by April 1 of the licensing year, the department may issue an order to close the campground and may assess a penalty fee up to \$500.00 in addition to the fees prescribed in section 12506a.

(6) The license for a temporary campground shall expire 14 days after the beginning date of operation, the department or designated local health department may grant an extension of up to 7 days. A temporary campground shall not operate more than 21 consecutive days in the same location. Not less than 30 days shall elapse between the end of one licensing period and the beginning of another licensing period for the same temporary campground location. A temporary campground shall not operate more than 42 days in the same location in a calendar year.

History: 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 2004, Act 408, Imd. Eff. Nov. 29, 2004

333.12506a Campground fees.

Sec. 12506a. (1) The fees related to campground regulation under this part are as follows:

(a) Construction permit application fee for a new campground ~~\$600.00~~ as follows:

(i) New primitive campground up to 75 sites \$900.

(ii) New primitive campground with more than 75 sites and all new modern campgrounds \$1,500.00

(b) Construction permit application fee for an addition, alteration, or modification of an existing campground ~~\$225.00~~ \$650.00.

Comment [PDS5]: Enforcement/Fine procedure. Check procedure and add legal basis

Comment [PDS6]: 7 day extension. Operation limited to 21 consecutive days, 42 days total in a calendar year.

Comment [PDS7]: Indexed to \$715 in 2013

Comment [PDS8]: Revised fee. Includes \$150 to cover the construction inspection cost.

Comment [PDS9]: Revised fee. Includes \$300 to cover the construction inspection cost.

Comment [PDS10]: Indexed to \$268 in 2013.

Comment [PDS11]: Revised fee. Includes about \$100 to cover any construction inspection cost.

1 (c) Initial or annual renewal license fee for a ~~new permanent campground~~ shall be based on the number of sites or
2 ~~temporary campground~~ as follows:
3 (i) ~~One-Up~~ to 25 sites ~~\$148.00~~ ~~\$75.00~~.
4 (ii) Twenty-six to 50 sites ~~\$198.00~~ ~~\$100.00~~.
5 (iii) Fifty-one to 75 sites ~~\$248.00~~ ~~\$125.00~~.
6 (iv) Seventy-six to 100 sites ~~\$298.00~~ ~~\$150.00~~.
7 (v) One hundred one to 500 sites ~~\$445.00~~ ~~\$225.00~~.
8 (vi) More than 500 sites ~~\$990.00~~ ~~\$500.00~~.
9 (d) Late annual renewal license fee, ~~added to the fee from (c)~~ after December 31 ~~\$100.00~~ ~~\$75.00~~.
10 (e) License transfer fee \$75.00.
11 ~~(f) License reissue fee when the number of sites changes after the issuance of a construction permit \$75.~~
12 ~~(g) License fee for a temporary campground shall be the fee from (c) based on the number of sites. The department or~~
13 ~~designated local health department shall collect the temporary campground license fee for each temporary licensing period.~~
14 (2) The department may adjust the amounts prescribed in subsection (1) every 3 years by an amount determined by the
15 state treasurer to reflect the cumulative annual percentage change in the Detroit consumer price index and rounded to the
16 nearest dollar.

17 History: Add. 2004, Act 408, Imd. Eff. Nov. 29, 2004
18

19 333.12506b Campground fund; creation; remaining balance; expenditures; use; annual report.

20 Sec. 12506b. (1) The campground fund is created in the state treasury and shall be administered by the department. The
21 state treasurer shall credit to the campground fund all fees collected by the department under sections ~~12501 to 12516~~ ~~12506a~~
22 and all money, gifts, and devises received by the fund as otherwise provided by law.

23 (2) The unencumbered balance remaining in the fund at the close of the fiscal year shall remain in the fund and shall not
24 revert to the general fund.

25 (3) The money in the campground fund shall be expended only as provided in this section. The department shall use the
26 fund to implement this part and to carry out its powers and duties under sections 12501 to 12516. The department shall not
27 use the money in the campground fund for inspections of any mobile home parks licensed under the mobile home commission
28 act, 1987 PA 96, MCL 125.2301 to 125.2349.

29 (4) The department shall annually prepare a report containing an accounting of revenues and expenditures from the
30 campground fund. This report shall include details of the departmental costs and activities of the previous year in administering
31 this campground program. This report shall be provided to the senate and house of representatives appropriations
32 committees, the standing committees of the senate and house of representatives with jurisdiction over issues pertaining to
33 natural resources and the environment, and the senate and house of representatives fiscal agencies.

34 History: Add. 2004, Act 408, Imd. Eff. Nov. 29, 2004

Comment [PDS12]: Indexed to \$89, \$119, \$149, \$179, \$268, and \$596 in 2013.

Comment [PDS13]: Never indexed

Comment [PDS14]: If a CG alteration changes the number of sites, we need to reissue a new license when the change is completed. This reflects the cost of issuing a new license.

Comment [PDS15]: 8/25/15 Kept the same licensing fee for a temporary campground.

333.12507 Campground facilities to meet requirements prescribed under § 333.12511 as determined by inspections.

Sec. 12507. (1) Before an application for a campground license is approved, the department, its agent or representative, or a representative of a designated local health department shall determine that the campground contains facilities which meet the requirements prescribed in rules promulgated under section 12511 as follows:

(a) Perform annual inspections for existing campgrounds to determine that the campground is being operated and maintained in a manner which protects the public health and safety.

(b) Perform inspections for new or modified campgrounds prior to opening to determine that the construction has been completed in a manner which protects the public health and safety.

History: 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 2004, Act 408, Imd. Eff. Nov. 29, 2004

333.12508 Campground license; issuance; display; notice of denial; statement of reasons; reconsideration; hearing; appeal.

Sec. 12508. (1) Upon approval of the application for a campground license, the department, its agent or representative, or a representative of a designated local health department shall issue a campground license which shall be displayed in a conspicuous place on the campground.

(2) If the application is not approved, the department, its agent or representative, or a representative of a designated local health department shall give written notice of its denial to the applicant stating reasons for the denial. The applicant may request reconsideration of the application after correction of the reasons for the denial or may request a hearing before the department, or an authorized representative of the department, on the denial within 10 days after receipt of the denial. The hearing shall be held not later than 20 days after receipt of the request.

(3) A person aggrieved by the decision of the department or its authorized representative may appeal to the courts as provided by the administrative procedures act of 1969.

History: 1978, Act 368, Eff. Sept. 30, 1978 ;--Am. 2004, Act 408, Eff. Nov. 29, 2004 .

333.12509 Campground license; transfer.

Sec. 12509. A campground license shall not be transferred to another person except where the transferee complies with all the requirements to be licensed under sections 12501 to 12516 and upon submission of an application and the license transfer fee as prescribed in sections 12506 and 12506a.

History: 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 2004, Act 408, Imd. Eff. Nov. 29, 2004

333.12510 Annual inspection by local health department; payments; additional fees.

Sec. 12510. (1) If a representative of the designated local health department performs annual inspections of campgrounds that are applying for a new license, renewal license, or temporary license and the campground owner has have-submitted the

applicable license fee to the department, the department shall approve payments of ~~\$25.00~~ \$35.00 per campground to that local health department.

Comment [PDS16]: Proposed increased payment to LHD.

(2) The state treasurer shall make the payments upon receipt of approval from the department.

(3) A designated local health department may collect additional fees as provided under section 2444 from the owner of a campground for services provided under sections 12501 to 12516.

History: Add. 2004, Act 408, Imd. Eff. Nov. 29, 2004

333.12511 Rules.

Sec. 12511. The department, with the advice, assistance, and approval of ~~an the~~ advisory board, shall promulgate rules regarding sanitation and safety standards for campgrounds and public health. The rules shall recognize and provide controls for different types of campgrounds.

History: 1978, Act 368, Eff. Sept. 30, 1978 .

Administrative Rules: R 323.3101 et seq.; R 325.1551 et seq.; R 325.2101 et seq.; and R 325.2111 et seq. of the Michigan Administrative Code.

Comment [PDS17]: Include a general list of members from Sec12513

333.12512 Notice of ~~violation noncompliance~~; specifying particular violations; time for compliance; revocation of license; hearing; decision; appeal.

Sec. 12512. (1) The department, its agent or representative, or a representative of a designated local health department shall give written notice to a licensee who fails to comply with sections 12501 to 12516 or a rule promulgated under those sections. The notice shall specify the particular violations and a date by which the licensee shall comply. The time given for compliance shall depend upon the nature of the violation.

(2) If the licensee does not comply within the time specified, the department, its agent or representative, or a representative of a designated local health department may, in accordance with the administrative procedures act of 1969, revoke the license. If the licensee does not comply within the time specified, the department may issue an order to close the campground and may assess a penalty fee up to \$5,000.00. If the licensee files a request for a hearing within 60 calendar days after the licensee receives notice of revocation, the department shall hold a hearing.

Comment [PDS18]: The Act currently does not have any provision to order a CG closed for public health and safety violations. Enforcement/Fine procedure. Check and add legal

(3) A license revoked under subsection (2) shall not be reissued by the department, its agent or representative, or a representative of a designated local health department until it has been determined that the violations have been corrected.

(4) A licensee aggrieved by a decision of the department, its agent or representative, or a representative of a designated local health department to revoke the license may appeal to a court of competent jurisdiction as provided by the administrative procedures act of 1969.

History: 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 2004, Act 408, Imd. Eff. Nov. 29, 2004

333.12513 Repealed Advisory board; purpose; appointment, qualifications, and terms of members.

~~—Sec. 12513. (1) The director shall appoint an advisory board with broad geographical distribution of members to advise on the administration of sections 12501 to 12516 and the preparation and administration of rules promulgated under those sections.~~

~~—(2) The board shall consist of 15 members as follows: 1 representing the Michigan association of recreation vehicles and campgrounds; 1 representing the association of RV parks and campgrounds of Michigan; 2 representing consumers, including 1 who represents a recognized campground users association; 3 campground owners or operators, including 1 who represents a primitive type of campground; 2 representing counties; 1 representing townships; 1 representing cities and villages; 2 representing local health departments; the director of the department of natural resources or his or her authorized representative; and the director or his or her authorized representative.~~

~~—(3) Except for the directors of the departments, or their authorized representatives, the members shall serve for a term of 3 years. However, of the members first appointed, 3 members shall serve for a 1-year term, 3 members shall serve for a 2-year term, and 3 members shall serve for a 3-year term.~~

History: 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 2004, Act 408, Imd. Eff. Nov. 29, 2004

333.12514 Access to campground; purpose.

Sec. 12514. An agent or representative of the department or a representative of a designated local health department shall have access during all reasonable hours to a campground for the purpose of inspection or otherwise carrying out sections 12501 to 12516.

History: 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 2004, Act 408, Imd. Eff. Nov. 29, 2004

333.12515 Application and construction of §§ 333.12501 to 333.12516.

Sec. 12515. (1) Sections 12501 to 12516 do not apply to a campground used solely as a children's camp licensed by the department of social services or to properties owned by a person licensed pursuant to part 124, and used for housing seasonal agricultural workers employed by that person. A campground licensed under sections 12501 to 12516 shall not be used for the housing of seasonal agricultural workers unless also licensed under part 124.

(2) Sections 12501 to 12516 shall not be construed to interfere in any way with the enforcement of sanitary controls by a health officer having jurisdiction in the area.

(3) Sections 12501 to 12516 or an action of the department shall de-not relieve a person from securing other required building permits or complying with applicable federal codes, the Stille-DeRossett-Hale single state construction code, local master plans and local zoning ordinances governing building permits or with a code, regulation, or ordinance-not in conflict with sections 12501 to 12516.

History: 1978, Act 368, Eff. Sept. 30, 1978

1 **333.12516 Violation as misdemeanor; action for injunction.**

2 Sec. 12516. (1) A person who violates sections 12501 to 12515 is guilty of a misdemeanor.

3 (2) Notwithstanding the existence of any other remedy, the department, its agent or representative, or a representative of a
4 designated local health department may maintain an action in the name of the state for an injunction against a person to
5 restrain or prevent the construction, enlargement, or alteration of a campground without a permit, or the operation or conduct
6 of a campground without a license.

7 History: 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 2004, Act 408, Imd. Eff. Nov. 29, 2004